

**United States District Court**  
For the Northern District of California

1  
2  
3  
4  
5  
6 EDGAR W. TUTTLE, ERIC BRAUN, and  
7 THE BRAUN FAMILY TRUST by its co-trustee  
8 ERIC BRAUN, on behalf of themselves and all  
9 others similarly situated,

10 No. C 10-03588 WHA

11 v. Plaintiffs,  
12

**FIFTH ORDER RE  
UNDELIVERABLE  
CLASS NOTICES**

13 SKY BELL ASSET MANAGEMENT, LLC, *et al.*,  
14 Defendants.  
15 \_\_\_\_\_/

16  
17 Class counsel are advised that the Court has received as undeliverable an envelope  
18 containing the class notice and request to opt out form for Brenda J. Scarborogh and Dean J.  
19 Radetsky Cust. As previously stated, the Court would be inclined not to extinguish the rights of  
20 any class member who fails to receive notice. Such class members would be deemed opted out  
21 of the class.

22  
23 **IT IS SO ORDERED.**

24  
25 Dated: August 8, 2012.

26  
27 WILLIAM ALSUP  
28 UNITED STATES DISTRICT JUDGE

*Wm. Alsup*